

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.No.3640 of 2017

V.Selva Kumar

... Petitioner

Vs.

1 The District Collector
Kancheepuram
Kancheepuram Dist.

2 The Revenue Divisional Officer
Maduranthagam(tk)
Kancheepuram Dist.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider my representation dated 28.11.2016 by releasing the petitioner's lorry bearing registration No.TN 19 Y 5130.

For Petitioner : Mr.K.Karthickjothi

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

1.Issue notice. Mr.Akhil Akbar Ali, learned Government Advocate, accepts notice on behalf of the respondents. With the consent of the learned counsels for the parties, the writ petition is taken up for hearing and final disposal.

2.The prayer sought for in the writ petition is that a direction be issued to the respondents to release the petitioner's vehicle bearing Registration No.TN 19 Y 5130. A further direction is sought by the petitioner for consideration of his representation dated 28.11.2016.

2.1.The averments in the writ petition show that the aforementioned vehicle of the petitioner was seized on 01.08.2016, on account of a charge levelled against him that he was transporting sand without any valid bill or permission of the Government.

2.2.The petitioner, on the other hand, claims that the sand

was being transported by him to the delivery point. The petitioner claims that the sand being transported was required for construction purposes. Thus, the case of the petitioner is that since, the sand, which was being transported, was meant for construction purposes, it would not come within the purview of Tamil Nadu Minor Mineral Concession Rules, 1959 (in short the '1959 Rules'). In this behalf, the petitioner seeks to place reliance upon Rule 6 of the 1959 Rules.

2.3.The petitioner further states that respondent No.2 has passed no orders on the representation dated 28.11.2016, made in this behalf.

3.Having regard to the fact that the representation dated 28.11.2016 is pending consideration of respondent no.2, I am inclined to dispose of the Writ Petition with the following directions, for the reason that continued detention of the subject vehicle is serving no purpose :

(i)Respondent no.2 will release the aforementioned vehicle to the petitioner, upon an undertaking being submitted by way of an affidavit, that, the subject vehicle will be produced, as and when required.

(ii)The release of the vehicle will not come in the way of the respondents prosecuting the petitioner, if they are inclined to do so in respect of the alleged infraction(s).

4.The Writ Petition is disposed of with the aforementioned direction. However, there shall be no order as to costs.

sd/
Assistant Registrar(CS II)

/true copy/

Sub Assistant Registrar

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To

1 The District Collector
Kancheepuram
Kancheepuram District.

2 The Revenue Divisional Officer
Maduranthagam(tk)
Kancheepuram District.

+lcc to Mr.C.Kumar, Advocate SR.No.9370

+lcc to Government Pleader SR.No.10228

W.P.No.3640 of 2017

NRI (CO)
GN(24/02/2017)